

~~TITLE 175 HEALTH CARE FACILITIES AND SERVICES LICENSURE~~

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

~~CHAPTER 13 REGULATIONS AND STANDARDS GOVERNING THE APPROVAL OF
TRAINING PROGRAMS FOR NURSING ASSISTANTS AND CARE STAFF
MEMBERS AND APPROVAL OF CARE STAFF MEMBERS IN SKILLED
NURSING AND INTERMEDIATE CARE FACILITIES, INTERMEDIATE CARE
FACILITIES FOR THE MENTALLY RETARDED, AND IN REHABILITATION
AND LONG-TERM CARE FACILITIES OPERATED BY HOSPITALS~~

CHAPTER 108 APPROVAL OF TRAINING PROGRAMS AND QUALIFICATIONS FOR
NURSING ASSISTANTS IN NURSING HOMES

108-001 SCOPE AND AUTHORITY: These regulations and standards shall apply to the training of govern the qualifications and training requirements for nursing assistants employed in skilled nursing facilities, as defined in Neb. Rev. Stat. §71-2017.01(10), intermediate care facilities, or intermediate care facilities for the mentally retarded as defined in Neb. Rev. Stat. §71-2017.01(11) and (12) nursing homes. These standards and regulations shall also apply to the training and approval of persons to administer oral and external medications as care staff members in skilled and intermediate care facilities, or intermediate care facilities for the mentally retarded and in rehabilitation or long-term care facilities operated by a hospital as defined in Neb. Rev. Stat. §71-2017.01. Statutory authority for these regulations is Neb. Rev. Stat. §§ 71-6038, 71-6039, and 71-6040 to 71-6042. These regulations are also consistent with federal requirements developed by the United States Department of Health and Human Services in 42 CFR § 483, Subpart D, as it existed on the effective date of these regulations.

108-002 DEFINITIONS

Administrator means the operating officer for the health care facility and may be titled as administrator, manager, superintendent, or director, or may have a similar designation. The Administrator of a licensed intermediate care facility, nursing facility, skilled nursing facility, or intermediate care facility for the mentally retarded must be licensed by the State of Nebraska.

002.02 Care Staff Member. Care staff member shall mean a nursing assistant who:

002.02A Is at least eighteen (18) years of age;

002.02B Has not been convicted of a crime rationally related to his or her practice involving moral turpitude;

002.02C Speaks, reads, and understands the English language;

002.02D Has successfully completed a Basic Resident Care Course approved by the Department;

002.02E Has successfully completed an Advanced Care Course for care staff members approved by the Department, achieving a score of at least 80% for that course, or has

~~successfully completed a course in another state approved by the Department because it is substantially equivalent, scoring at least 80% for that course;~~

~~002.02F Is approved to administer oral and external medication both by the Department and by the administrator of the facility by which the care staff member is employed; and~~

~~002.02G Maintains such approved status according to the provisions of 006.02H of these regulations.~~

~~Curriculum. Curriculum shall means a detailed course outline, description, or syllabus submitted to the Department as part of the approval process by an association, hospital, nursing home, educational institution, or health care facility sponsoring a nursing assistant training course basic resident care course or an advanced course. A curriculum shall contain, at a minimum:~~

~~002.03A The title of the course;~~

~~002.03B The sponsor's name;~~

~~002.03C The names and authors of all textbooks to be used, if any, including the publisher and edition, or if no textbook is to be used, a list of written materials to be used, if any, including the source of such materials;~~

~~002.03D The specific objectives for the course;~~

~~002.03E The units to be covered in the course, as determined by the components required by 004.02A-C and 005.03A-B of these regulations;~~

~~002.03F The hours to be spent on each unit within the components required by 004.02A-C and 005.03A-B of these regulations;~~

~~002.03G The method(s) of instruction for each unit listed in 002.03E, e.g., lecture, demonstration, simulation, slide presentation, film strip, etc.;~~

~~002.03H A description of the practical training to be provided for each unit listed in 002.03E;~~

~~002.03I The reading assignment in the text or in other materials, if any, for each unit;~~

~~002.03J The evaluation method for each unit, e.g., written examination, student presentation or demonstration, competency check-off, etc.;~~

~~002.03K An explanation of when students will be evaluated (e.g., after each unit, comprehensively at the end of the course);~~

~~002.03L An explanation of the grading system to be used for written examinations and proficiency evaluations; and~~

~~002.03M A list of tasks and duties connected with each unit listed in 004.02A-C or 005.03A-B on which students will be evaluated for Competency, and guidelines for examinations to be used, which shall include, at a minimum:~~

~~002.03M1 Procedures to be followed in administering examinations;~~

~~002.03M2 Procedures to be followed to insure security of examinations, both during administration and otherwise, including but not limited to the number of times a particular examination will be used;~~

~~002.03M3 Procedures to be followed to validate the examinations as testing competency in the unit being tested; and~~

~~002.03M4 Procedures to be followed in reporting the grades to the sponsor and the Department.~~

~~Department.~~ Department shall means the Department of Health and Human Services of the State of Nebraska.

~~002.05 Drug Administration Error.~~ Drug administration error shall mean that a drug was not given (1) in the right amount, (2) in the right strength, 3) at the right time (more than 60 minutes from the ordered time of administration), (4) by the correct route or method of administration, (5) to the correct resident. Drug administration error shall also mean that a drug was ordered and not administered for any or all of the preceding reasons and that the reason and justification for the omission of administration were not recorded.

~~002.06 Drugs or Medications.~~ Drugs or medications shall mean substances intended for use in diagnosis, care, mitigation, treatment, or prevention of disease.

~~002.06A Legend drugs shall mean those drugs which bear the manufacturer label and are marked, "Caution: Federal Law prohibits dispensing without a prescription." Such drugs shall be classified as legend drugs.~~

Employee means an individual under hire to a licensed health care facility nursing home to perform any duty required to be performed regularly on the premises of a skilled nursing or intermediate care facility, or intermediate care facility for the mentally retarded, or rehabilitation or long-term care facility operated by a hospital whether on a full-time or part-time basis.

Intermediate care facility means a facility where shelter, food, and nursing care or related services are provided for a period of more than 24 consecutive hours to persons residing at such facility who are ill, injured, or disabled and do not require hospital or skilled nursing care.

Intermediate care facility for the mentally retarded or ICF/MR means a facility where shelter, food, and training or habilitation services, advice, counseling, diagnosis, treatment, nursing care, or related services are provided for a period of more than 24 consecutive hours to four or more persons residing at such facility who have mental retardation or related conditions, including epilepsy, cerebral palsy, or other developmental disabilities.

Long-term care hospital means a hospital or any distinct part of a hospital that provides the care and services of an intermediate care facility, a nursing facility, or a skilled nursing facility.

Nursing assistant.~~Nursing assistant shall~~ means any person, other than a paid dining assistant or a licensed registered or practical nurse, employed by a skilled nursing, intermediate care facility, or

~~intermediate care facility for the mentally retarded nursing home~~ for the purpose of aiding a licensed registered or practical nurse through the performance of nonspecialized tasks related to the personal care and comfort of residents. Federal regulations in 42 CFR § 483, Subpart D, refer to these nursing home employees as "nurse aides".

~~A nursing assistant:~~

~~002.08A Must be at least sixteen (16) years of age;~~

~~002.08B Cannot have been convicted of a crime rationally related to his or her practice involving moral turpitude;~~

~~002.08C Must be able to speak and understand the English language or a language understood by a substantial portion of the facility's residents; and~~

~~002.08D Must successfully complete, within 120 days of employment, a Basic Resident Care Course approved by the Department.~~

Nursing facility means a facility where medical care, nursing care, rehabilitation, or related services and associated treatment are provided for a period of more than 24 consecutive hours to persons residing at such facility who are ill, injured, or disabled.

Nursing home means any facility or distinct part of any facility that provides care as defined in Neb. Rev. Stat. § 71-420 (intermediate care facility), § 71-421 (ICF/MR), § 71-422 (long-term care hospital), § 71-424 (nursing facility), and § 71-429 (skilled nursing facility).

Registered nurse. ~~A registered nurse shall~~ means an individual who has a current active Nebraska license, issued by the Department of Health upon the recommendation of the State Board of Nursing, to practice professional nursing and to use the title "Registered Nurse" and the abbreviation "R.N." or has the authority to practice in this state as a registered nurse under the provisions of the Nurse Licensure Compact.

Registry means the central data bank established by 471 NAC 12-002.04 of individuals who have met the training and competency evaluation requirements established in 172 NAC 108-003.

Resident means any person domiciled, residing, or receiving care or treatment, for a period in excess of twenty-four (24) hours, in a skilled nursing, intermediate care facility, intermediate care facility for the mentally retarded, or long term care or rehabilitation facility operated by a hospital.

Resident means any person domiciled, residing, or receiving care and treatment, for a period in excess of 24 hours, in a nursing home.

Skilled nursing facility means a facility where medical care, skilled nursing care, rehabilitation, or related services and associated treatment are provided for a period of more than 24 consecutive hours to persons residing at such facility who are ill, injured or disabled.

002.11 Three Year Medication Examination. ~~The three year medication examination shall mean the examination administered by the Department every three years to individuals approved as care staff members.~~

108-003 NURSING ASSISTANT TRAINING PROGRAMS

108-003.01 Courses of training for all nursing homes except ICF/MR's must be given by a single sponsor or organization and include, at a minimum, 75 clock hours of instruction including at least 16 hours of supervised practical training. In addition, the course must include at least one hour of instruction on the responsibility of each nursing assistant to report suspected abuse or neglect pursuant to Neb. Rev. Stat. §§ 28-372 and 28-711. The curriculum for a nursing assistant training course must include, at a minimum, the following:

1. At least 16 hours of training in the following areas prior to any direct contact with a resident:
 - a. Communication and interpersonal skills;
 - b. Infection control;
 - c. Safety/emergency procedures, including emergency measures for choking;
 - d. Promoting residents' independence; and
 - e. Respecting residents' rights.
2. Basic nursing skills:
 - a. Taking and recording vital signs;
 - b. Measuring and recording height and weight;
 - c. Caring for the residents' environment;
 - d. Recognizing abnormal changes in body functioning and the importance of reporting such changes to a supervisor; and
 - e. Caring for residents when death is imminent.
3. Personal care skills, including, but not limited to:
 - a. Bathing
 - b. Grooming, including mouth care;
 - c. Dressing;
 - d. Toileting;
 - e. Assisting with eating and hydration;
 - f. Proper feeding techniques;
 - g. Skin care; and
 - h. Transfers, positioning, and turning.
4. Mental health and social service needs:
 - a. Modifying nursing assistant's behavior in response to residents' behavior;
 - b. Awareness of developmental tasks associated with the aging process;
 - c. How to respond to resident behavior;
 - d. Allowing the resident to make personal choices, providing and reinforcing other behavior consistent with the resident's dignity; and
 - e. Using the resident's family as a source of emotional support.
5. Care of cognitively impaired residents:
 - a. Techniques for addressing the unique needs and behaviors of individual with dementia (Alzheimer's and others);
 - b. Communicating with cognitively impaired residents;
 - c. Understanding the behavior of cognitively impaired residents;

- d. Appropriate responses to the behavior of cognitively impaired residents; and
- e. Methods of reducing the effects of cognitive impairments.

6. Basic restorative services:

- a. Training the resident in self-care according to the resident's abilities;
- b. Use of assistive devices in transferring, ambulation, eating and dressing;
- c. Maintenance of range of motion;
- d. Proper turning and positioning in bed and chair;
- e. Bowel and bladder training; and
- f. Care and use of prosthetic and orthotic devices.

7. Resident rights:

- a. Providing privacy and maintenance of confidentiality;
- b. Promoting the resident's right to make personal choices to accommodate his/her needs;
- c. Giving assistance in resolving grievances and disputes;
- d. Providing needed assistance in getting to and participating in resident and family groups and other activities;
- e. Maintaining care and security of resident personal possessions;
- f. Promoting the resident's right to be free from abuse, mistreatment, and neglect and the need to report any instances of such treatment to appropriate facility staff;
- g. Avoiding the need for restraints in accordance with current professional standards.

108-003.02 Courses of training for nursing assistants employed by ICF/MR's must be given by a single sponsor or organization and include, at a minimum, 15 hours of classroom instruction in basic personal care and five hours of classroom instruction in basic therapeutic and emergency procedures. In addition, the course must include at least one hour of instruction on the responsibility of each nursing assistant to report suspected abuse or neglect pursuant to Neb. Rev. Stat. §§ 28-372 and 28-711. The curriculum for the course must include, at a minimum, the following components of classroom instruction including appropriate practical training:

108-003.02A At least 15 hours of basic personal care training of at least fifteen (15) hours-in the following areas:

- 1. Personal care:
 - a. Bathing;
 - b. Oral hygiene;
 - c. Backrubs;
 - d. Nail care;
 - e. Shaving;
 - f. Hair care;
 - g. Dressing; and
 - h. Bed-making (both occupied and unoccupied);
- 2. Active range of motion:
 - a. Ambulation;

- b. Positioning;
 - c. Transfer techniques; and
 - d. Use of physical restraints;
- 3. Foods and fluids:
 - a. Basic nutrition;
 - b. Diet descriptions;
 - c. Preparation of residents for meals;
 - d. Feeding techniques;
 - e. Reporting intake and output; and
 - f. Weighing techniques;
- 4. Elimination:
 - a. Appropriate use of urinal and bedpan;
 - b. Bowel bladder retraining;
 - c. Incontinent care; and
 - d. Enemas;
- 5. Safety and accident prevention:
 - a. Lighting;
 - b. Siderails;
 - c. Call lights;
 - d. Wheelchairs; and
 - e. Smoking;
- 6. Infection prevention techniques:
 - a. Handwashing;
 - b. Care of linen and equipment; and
 - c. Introduction to isolation techniques; and
- 7. Aging process:
 - a. Basic principles;
 - b. Psychosocial needs; and
 - c. Communication skills.

108-003.02B At least five hours of therapeutic and emergency procedures training of at least five (5) hours in at least the following areas:

- 1. Fire and disaster safety and procedures;
- 2. Basic emergency care:
 - a. Recognition of signs and symptoms of emergencies including bleeding, burns, convulsions, fainting, falls, and choking; and
 - b. Procedures for reporting;
- 3. Measuring vital signs:
 - a. Temperature;
 - b. Pulse;
 - c. Respirations; and

d. Blood Pressure.

108-003.02C At least one hour of training in procedures for reporting suspected abuse or neglect, including:

1. The requirements of Neb. Rev. Stat. §§ 28-372 and 28-711; and
2. Resident rights as set forth in ~~175 NAC 8-003.02F~~, and 175 NAC 12 and 175 NAC 17.

~~003.02 Application for Advanced Care Course. Any hospital operating a rehabilitation or long-term care facility, or any association, educational institution, or skilled or intermediate care facility or intermediate care facility for the mentally retarded may apply to the Department for approval to conduct an Advanced Care Course.~~

~~003.02A Application for approval of an Advanced Care Course shall be made on the form prescribed by the Department, which form is attached as Attachment 1 and incorporated by reference into these regulations, together with the curriculum for the course as defined in section 002.03 of these regulations.~~

~~003.02B The application and curriculum must be submitted at least sixty (60) days prior to the date on which the course is to be given.~~

~~003.02C The application must be submitted by the administrator or operating officer for the entity conducting the course.~~

~~003.02D Only applications which are complete will be considered. In order to be considered complete, an application must include:~~

~~003.02D1 All of the information requested on Attachment 1;~~

~~003.02D2 A complete curriculum as defined in section 002.03 of these regulations and sections incorporated therein by reference; and~~

~~003.02D3 The signature of the administrator or operating officer of the entity making application.~~

~~003.02E An applicant may submit such additional documents or information as the applicant may consider relevant to the application and compliance with the provisions of these regulations.~~

~~003.02F In the event that an application is determined to be incomplete, the Department will notify the applicant of the information necessary to complete the application and retain the application submitted pending receipt of such additional information.~~

108-003.03 Individuals completing a basic resident care nursing assistant training course must demonstrate at least the minimum acceptable proficiency in tasks or duties connected with each unit of the components set forth in 172 NAC 108-003. This minimum acceptable proficiency shall must be determined by the registered nurse administering the course and the instructor for the course.

108-003.04 Individuals completing a 75-hour nursing assistant training course must successfully complete an approved competency evaluation program consisting of a written or oral examination and a demonstration of skills. The competency evaluation program will be administered by the Department or a Department-approved entity that is not a nursing home that participates in Medicare or Medicaid.

108-003.05 Courses may exceed the minimum hour or training requirements set forth in these regulations.

108-003.06 Courses must be administered by registered nurses licensed in the State of Nebraska who hold a current license to practice as a registered nurse in this state or have the authority to practice in this state as a registered nurse under the provisions of the Nurse Licensure Compact.

108-003.07 The registered nurse administering the nursing assistant course shall must document an individual's successful completion of the course in a certificate or letter, the original of which shall must be given to the individual, containing the following information:

1. The individual's name;
2. The individual's date of birth;
3. The date of successful completion of the course;
4. The course sponsor; and
5. The course instructor.

108-003.08 The information required by 004-06 shall 108-003.07 must also be submitted to the Department in form or letter signed by the Administrator, and must also include the individual's Social Security Number.

108-004 APPROVAL OF TRAINING PROGRAMS

108-004.01 Applications for ~~Basic Resident Care~~ Nursing Assistant Training Course: Any association, educational institution, or health care facility, including a skilled or intermediate care facility or ICF/MR may apply to the Department for approval to conduct a ~~Basic Resident Care Course~~ training course for nursing assistants.

108-004.01A Applications for approval of a ~~Basic Resident Care~~ nursing assistant training course shall must be made on the form prescribed a form provided by the Department, which form is attached as Attachment 1 and incorporated by reference into these regulations, together with the curriculum for the course as defined in section 002-03 108-003 of these regulations. The application must include the following information:

1. The title of the course;
2. The sponsor's name;

3. The names and authors of all textbooks to be used, if any, including the publisher and edition, or if no textbook is to be used, a list of written materials to be used, ~~if any~~, including the source of such materials;
4. The specific objectives for the course;
5. The units to be covered in the course, as determined by the components required by ~~004.02A-C~~ 108-003.01, items 1-7, and ~~005.03A-B~~ 108-003.02A-C of these regulations;
6. The hours to be spent on each unit within the components required by ~~004.02A-CA~~ 108-003.01, items 1-7, and ~~005.03A-B~~ 108-003.02A-C of these regulations;
7. The method(s) of instruction for each unit listed in ~~002.03E~~ 108-004.01, item 5, ~~e.g.~~ for example, lecture, demonstration, simulation, slide presentation, film strip, etc.;
8. A description of the practical training to be provided for each unit listed in ~~002.03E~~ 108-004.01A, item 5;
9. The reading assignment in the text or in other materials, if any, for each unit;
10. The evaluation method for each unit, ~~e.g.~~ for example, written examination, student presentation or demonstration, competency check-off, etc.;
11. An explanation of when students will be evaluated (~~e.g.~~ for example, after each unit, comprehensively at the end of the course);
12. An explanation of the grading system to be used for written examinations and proficiency evaluations; and
13. A list of tasks and duties connected with each unit listed in ~~004.02A-C~~ 108-003.01, items 1-7, or ~~005.03A-B~~ 108-003.02A-C on which students will be evaluated for competency, and guidelines for examinations to be used, which ~~shall~~ must include, at a minimum:
 - a. Procedures to be followed in administering examinations;
 - b. Procedures to be followed to insure security of examinations, both during administration and otherwise, including but not limited to the number of times a particular examination will be used;
 - c. Procedures to be followed to validate the examinations as testing competency in the unit being tested; and
 - d. Procedures to be followed in reporting the grades to the sponsor and the Department.

108-004.01B The application and curriculum must be submitted at least ~~thirty (30)~~ days prior to the date on which the course is to be given.

108-004.01C The application must be submitted by the administrator or operating officer for the entity conducting the course.

108-004.01D Only applications which are complete will be considered. In order to be considered complete, an application must include:

1. All of the information requested on ~~Attachment 1~~ the application;
2. A complete curriculum as defined in ~~section 002.03~~ 108-002.02 of these regulations and sections incorporated therein by reference; and
3. The signature of the administrator or operating officer of the entity making application.

An applicant may submit such additional documents or information as the applicant may consider relevant to the application and compliance with the provisions of these regulations. In the event that an application is determined to be incomplete, the Department will notify the applicant of the information necessary to complete the application and retain the application submitted pending receipt of such additional information.

108-004.02 Continuing Approval: Once an application for approval for ~~either a nursing assistant course or Advanced Care Course~~ has been granted by the Department, reapproval ~~shall is~~ not be required for each occasion on which ~~such the~~ course is administered so long as the course is not changed, or so long as the course requirements are not changed by law. If the course, or any portion of a course is changed, reapplication must be made in accordance with ~~003.01 or 003.02~~ 108-004.01A. In cases where only a portion of a course is changed, the applicant may submit documentation and information only as to the changes made, but must clearly indicate those portions that are unchanged by so stating on the application.

108-004.03 Applications When to Conducting Approved Courses Developed by Others: Associations, educational institutions, and health care facilities may, with the consent of the developer(s), conduct ~~Basic Resident Care Courses or Advanced Care Courses~~ nursing assistant training courses developed by others which have received approval from the Department. Such facilities must apply for approval in accordance with ~~003.01 or 003.02~~ 108-004.01A, but need not submit curriculum materials required by ~~002.03A-M~~ 108-003.01 or 108-003.02 except to the extent that the course will be varied in any manner from the approved course. Applicants must indicate on the application the title of the approved course to be used, name of the entity whose approved course will be used, and the date on which such course was approved.

108-004.04 Any changes in approved courses must be submitted to the Department for prior approval.

108-004.05 All nursing assistant training courses are subject to on-site periodic review by the Department. Sponsors of approved courses must provide written notice to the Department of the date(s) and location that a basic course will be held at least five working days before each occasion on which an approved course is scheduled to begin.

108-004.06 The approved applicant course sponsor shall must maintain attendance records for such courses for a minimum of ~~one~~ two years from the date of completion of each course. Attendance records are subject to review by the Department upon request.

108-004.07 Attendance records are subject to review by the Department upon request.

108-004.08 Denial, Suspension, or Revocation of Approval: The Department ~~shall~~ will deny, suspend, or revoke its approval of a ~~Basic Resident Care Course or Advanced Care Course nursing assistant training course~~ for failure to meet the requirements of Neb. Rev. Stat. §§ 71-2050 to 71-2055, 71-6038 to 71-6042 as applicable, or the provisions of these regulations. ~~Should~~ If the Department determines to deny, suspend, or revoke its approval of a ~~basic resident care nursing assistant training course or Advanced Care Course~~, ~~it the Department~~ shall will send to the applicant, by either certified or registered mail, a notice setting forth identifying the reasons for the determination. The notice will be sent by either registered or certified mail. The denial, suspension, or revocation ~~shall~~ will become final ~~thirty~~ 30 days after the mailing of the notice unless the applicant, within ~~such thirty~~ that 30-day period, gives written notice of a ~~desire~~ request for a hearing. Hearings ~~shall~~ will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1.

004 NURSING ASSISTANTS: BASIC RESIDENT CARE COURSE

004.01 Basic Resident Care Course. The basic resident care course must be given by a single sponsor or organization and include, at a minimum: ~~fifteen (15) hours of classroom instruction in basic personal care and five (5) hours of classroom instruction in basic therapeutic and emergency procedures.~~ In addition, the course must include at least one hour of instruction on procedures for reporting suspected abuse or neglect pursuant to Neb. Rev. Stat. §28-711.

004.01A The Department shall review and approve all courses, lectures, seminars, course materials, and other instructional programs used in or for a basic resident care course. In no event will correspondence courses be approved by the Department.

004.02 The curriculum for a basic resident care course must include, at a minimum, the following components of classroom instruction including appropriate practical training:

004.02A Basic personal care training of at least fifteen (15) hours in the following areas:

004.02A1 Personal care: bathing; oral hygiene; backrubs; nail care; shaving; hair care; dressing; and bed making (both occupied and unoccupied).

004.02A2 Active range of motion: Ambulation; positioning; transfer techniques; and use of physical restraints.

004.02A3 Foods and fluids: basic nutrition; diet descriptions; preparation of residents for meals; feeding techniques; reporting intake and output; and weighing techniques.

004.02A4 Elimination: appropriate use of urinal and bedpan; bowel bladder retraining; incontinent care; and enemas.

~~004.02A5 Safety and accident prevention: lighting; siderails; call lights; wheelchairs; and smoking.~~

~~004.02A6 Infection prevention techniques: handwashing; care of linen and equipment; and introduction to isolation techniques.~~

~~004.02A7 Aging process: basic principles; psychosocial needs; and communication skills.~~

~~004.02B Therapeutic and emergency procedures training of at least five (5) hours in at least the following areas:~~

~~004.02B1 Fire and disaster safety and procedures.~~

~~004.02B2 Basic emergency care: recognition of signs and symptoms (bleeding, burns, convulsions, fainting, falls, choking, etc.); and reporting procedures.~~

~~004.02B3 Measuring vital signs (temperature, pulse, respiration, and blood pressure).~~

~~004.02C At least one (1) hour of training in procedures for reporting suspected abuse or neglect, including:~~

~~004.02C1 The requirements of Neb. Rev. Stat. §28-711.~~

~~004.02C2 Residents' rights as set forth in 175 NAC 8-003.02F, and 175 NAC 12-003.02F.~~

~~004.03 Individuals completing a basic resident care course must demonstrate at least the minimum acceptable proficiency in tasks or duties connected with each unit of the components set forth in 004.02A-C. This minimum acceptable proficiency shall be determined by the registered nurse administering the course and the instructor for the course.~~

~~004.04 Courses may exceed the minimum hour or training requirements set forth in these regulations.~~

~~004.05 Basic resident care courses shall be administered by registered nurses licensed in the State of Nebraska.~~

~~004.06 The registered nurse administering the Basic Resident Care Course shall document an individual's successful completion of the course in a certificate or letter, the original of which shall be given to the individual, containing the following information:~~

~~004.06A The individual's name;~~

~~004.06B The individual's date of birth;~~

~~004.06C The individual's social security number;~~

~~004.06CD The date of successful completion of the course;~~

~~004.06DE The course sponsor; and~~

~~004.06EF The course instructor.~~

~~004.07 The information required by 004.06 shall also be submitted to the Department in a form or letter signed by the Administrator.~~

~~004.087 Any changes in approved courses must be submitted to the Department for prior approval.~~

~~004.098 All basic resident care courses are subject to on-site periodic review by the Department. Sponsors of approved courses must provide written notice to the Department of the dates that and location at which a basic course will be held at least 5 working days before each occasion on which an approved course is scheduled to begin.~~

~~004.109 The approved applicant shall maintain attendance records for such courses for a minimum of one year from the date of completion of each course. Attendance records are subject to review by the Department upon request.~~

~~004.10 Attendance records are subject to review by the Department upon request.~~

108-005 NURSING ASSISTANT ELIGIBILITY AND REQUIREMENTS

108-005.01 In order for an individual to be eligible for employment in a nursing home, the individual:

1. Must be at least sixteen (16) years of age;
2. Cannot have been convicted of a crime rationally related to his or her practice involving moral turpitude;
3. Must be able to speak and understand the English language or a language understood by a substantial portion of the facility's residents; and
4. Must successfully complete, within 120 days of employment, a nursing assistant training course ~~Basic Resident Care Course~~ approved by the Department.

108-005.02 A registered nurse or licensed practical nurse whose license has been revoked, suspended, or voluntarily suspended in lieu of discipline may not act as a nursing assistant in a nursing home.

108-005.03 If a person registered as a nursing assistant becomes licensed as a registered nurse or licensed practical nurse, his or her registration as a nursing assistant becomes null and void as of the date of licensure.

108-006 ADVERSE FINDINGS

108-006.01 The Department will document convictions of moral turpitude rationally related to the practice of a nursing assistant by placing a finding of conviction on the Registry. An adverse finding will make the nursing assistant ineligible for employment in a nursing home.

108-006.02 A person listed on the Registry for whom a finding of conviction has been placed on the Registry may petition the Department to have the finding removed at any time after one year has elapsed since the date the finding was placed on the Registry.

108-006.03 If the Department proposes to place a finding in accordance with 108-006.01 or to deny a petition made in accordance with 108-006.02, the Department will send the nursing assistant or petitioner written notice identifying the reasons for the proposed finding. The Department will place the finding on the Registry 30 days after receipt of the notice unless the petitioner, within that 30-day period, gives written notice of a request for a hearing. Hearings will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1.

108-007 DISCIPLINARY ACTION: Pursuant to Neb. Rev. Stat. §§ 71-2055 and 71-6042, ~~health care facilities are a nursing home is~~ subject to disciplinary action against ~~their~~ its license for violations of Neb. Rev. Stat. §§ 71-2050 to 71-2055 or 71-6038 to 71-6042 or these regulations promulgated thereunder.

~~005-009 REPEALED 2/21/01~~